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8 UNITED STATES DISTRICT COURT
9 DISTRICT OF NEVADA
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11 UNITED STATES OF AMERICA,)	
)	CASE NO. 2:18-CR-00322-APG-BNW
12 Plaintiff,)	
)	
13 vs.)	
)	
14 THIEN DINH LE,)	
)	
15 Defendant.)	
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16 **UNOPPOSED MOTION TO WITHDRAW MOTION**
17 **TO WITHDRAW PLEA AGREEMENT**

18 Thien Dinh Le, by and through his attorneys, MONTI JORDANA LEVY, ESQUIRE, and
19 SUNETHRA MURALIDHARA, ESQUIRE, of Wright Marsh & Levy, hereby submit this
20 Unopposed Motion to Withdraw Motion to Withdraw Plea Agreement (ECF 115).

21 On May 21, 2021, the Ninth Circuit issued an opinion in *United States v. Lopez*, *F.3d*, No.
22 19-50305, 2021 WL 2024540 (9th Cir. May 21, 2021) holding that defendants are not rendered
23 ineligible for safety valve relief from mandatory minimums unless they have all three of the items
24 listed in 18 U.S.C. section 3553(f)(1). Accordingly, Mr. Le is eligible for safety valve relief, and
25 now requests this Court grant the instant motion allowing him to withdraw his Motion to Withdraw
26 Plea Agreement (ECF 115).

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1 The undersigned has discussed this filing with the government, and the government agrees
2 Mr. Le is safety valve eligible.

3 Dated this 24th day of May, 2021.

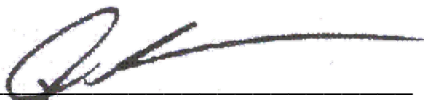
4 Respectfully submitted:

5 WRIGHT MARSH & LEVY

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7 BY /s/ Monti Jordana Levy
8 MONTI JORDANA LEVY, ESQUIRE
9 SUNETHRA MURALIDHARA, ESQUIRE
10 Attorney for Defendant Thien Dinh Le

11 IT IS SO ORDERED:

12 Dated: May 25, 2021

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15 ANDREW P. GORDON
16 UNITED STATES DISTRICT JUDGE
17 CASE NO. 2:18-CR-00322-APG-BNW
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